

P23700.A.O.

Dep & Refund
Room # 807

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hiroshi NOMURA

Group Art Unit: 2851

Appln. No. : 10/646,860

Examiner: David M. GRAY

Filed : August 25, 2003

For : OPTICAL ELEMENT RETRACTING MECHANISM FOR A
PHOTOGRAPHING LENS

REQUEST FOR REFUND

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop 16
Randolph Building
401 Dulany Street
Alexandria VA 22314

Sir:

Applicant respectfully requests a refund in the amount of \$180.00 that was charged to our Deposit Account No. 19-0089 on February 3, 2005, in connection with the filing of the Fourth Supplemental Information Disclosure Statement on January 18, 2005.

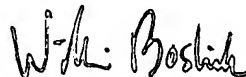
The basis of this Request for Refund is that the account was charged \$180.00 for submission of an Information Disclosure Statement subsequent to the issuance of an Office Action on the merits. This was not the situation for this file, as a Request for Continued Examination was filed on November 17, 2004. The Fourth Supplemental Information Disclosure Statement was filed on January 18, 2005, and the Notice of Allowance was not issued until February 11, 2005. For the convenience of the Patent Office, Applicant encloses a copy of the Request for Continued Examination as filed

along with a copy of the Fourth Supplemental Information Disclosure Statement, and a copy of our mailroom date-stamped filing receipts evidencing the filing of the same.

Please make payment of the refund to Deposit Account No. 19-0089.

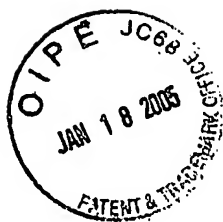
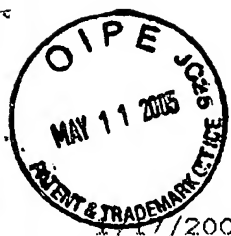
Respectfully submitted,
Hiroshi NOMURA

William S. Boshnick
Reg. No. 44,550



Bruce H. Bernstein
Reg. No. 29,027

May 10, 2005
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191



GREENBLUM & BERNSTEIN, P.L.L.C.
Intellectual Property Causes
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

File In: Milroy

The Patent Office Date stamp hereon is an acknowledgement that, on the date indicated, the Patent Office received the following:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Amendment <u>Preliminary</u> | <input type="checkbox"/> Claim of Priority & Certified Copy of _____ |
| <input type="checkbox"/> Executed Assignment and cover letter
<input type="checkbox"/> by facsimile | |
| <input type="checkbox"/> Executed S.E.S. <input type="checkbox"/> S.E.S. Assertion | <input type="checkbox"/> Declaration <input type="checkbox"/> Supplemental |
| <input type="checkbox"/> Req. for Ext. of Time | <input type="checkbox"/> New <input type="checkbox"/> Unexecuted |
| <input checked="" type="checkbox"/> Fee Filing <input checked="" type="checkbox"/> | <input type="checkbox"/> Executed by facsimile |
| Recording <input type="checkbox"/> | |
| Issue <input type="checkbox"/> | <input checked="" type="checkbox"/> Transmittal Letter |
| Extension <input type="checkbox"/> | <input type="checkbox"/> Patent Application |
| <input type="checkbox"/> Fee Transmittal | <input type="checkbox"/> Provisional <input type="checkbox"/> Reexam |
| <input type="checkbox"/> Maintenance Fee Payment | <input type="checkbox"/> Reissue <input type="checkbox"/> Design |
| <input type="checkbox"/> PTOL-85B Issue Fee | <input type="checkbox"/> Continuation <input type="checkbox"/> CIP |
| <input type="checkbox"/> Letter to Draftsman (in trip.) | _____ pages (w/abstract) |
| <input type="checkbox"/> Design Patent Application Transmittal | _____ claims _____ independent |
| <input type="checkbox"/> Utility Patent Application Transmittal | _____ sheets of drawings |
| <input type="checkbox"/> Provisional Application Cover Sheet | <input checked="" type="checkbox"/> I.D.S. form PTO-1449 & <u>Fourth type</u> |
| <input type="checkbox"/> Continued Prosecution Application | References <input type="checkbox"/> as attached |
| (CPA) Request Transmittal | <input type="checkbox"/> as listed on reverse |
| <input type="checkbox"/> Request for Continued Examination (RCE) | <input type="checkbox"/> One self-addressed postcard |
| including submission | <input type="checkbox"/> Certification under 1.97(e) |
| <input type="checkbox"/> Cover Letter | <input type="checkbox"/> Certificate of Mailing (C-O-M) |
| <input checked="" type="checkbox"/> Check No. 53020 for \$ 550.00 | <input type="checkbox"/> Returned Envelope |
| <input type="checkbox"/> Rule 53b and 53f Letter for Unexecuted Application | |

In the matter of : OPTICAL ELEMENT RETRACTING MECHANISM FOR A PHOTOGRAPHING LENS

Applicant : Hiroshi NOMURA

COPY

Application No. : 10/646,860

Filed : 8/25/03

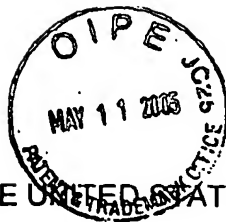
Patent No. :

Issued :

Docket : P23700

W S B

P23700.A06



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hiroshi NOMURA

Group Art Unit : 2851

Appl. No. : 10/646,860

Examiner : Arthur A. SMITH

Filed : August 25, 2003

Confirmation No. : 1496

For : OPTICAL ELEMENT RETRACTING MECHANISM FOR A
PHOTOGRAPHING LENS

FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop _____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

COPY

Sir :

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98 and supplemental to the Information Disclosure Statements that were previously filed, Applicant hereby calls to the Examiner's attention the following documents which were cited in Office Actions that were mailed on December 28, 2004 with respect to U.S. Patent Application No. 10/815,193 and 10/815,194:

(1) U.S. Patent No. 4,791,441 to NISHI et al., which issued on December 13, 1988;

(2) U.S. Patent No. 4,451,129 IKARI et al., which issued on May 29, 1984.

Applicant notes that this document was previously cited in an Information Disclosure Statement;

- (3) U.S. Patent No. 3,377,427 to FISCHER, which issued on April 9, 1968;
- (4) U.S. Patent No. 5,715,482 to WAKABAYASHI et al., which issued on February 3, 1998;
- (5) U.S. Patent No. 4,597,657 to WAKABAYASHI, which issued on July 1, 1986;
- (6) Japanese Laid-Open Patent Publication No. HEI 8-313790, which was published on November 29, 1996, together with an English language abstract of the same;
- (7) Japanese Laid-Open Patent Publication No. HEI 6-230263, which was published on August 19, 1994, together with an English language abstract of the same;
- (8) Japanese Laid-Open Patent Publication No. HEI 10-254054, which was published on September 25, 1998, together with an English language abstract of the same; and
- (9) Japanese Laid-Open Patent Publication No. 2003-149723, which was previously cited in an Information Disclosure Statement. Since this publication was already submitted in the previous Information Disclosure Statement, a copy of the same is not submitted herewith. However, since the English-language translation of the present abstract of this publication is from a different source than the previously-submitted translated abstract, Applicant submits herewith a copy of this English-language Abstract.

Further to 37 C.F.R. §1.98 (a)(2)(ii), copies of the U.S. patents are not enclosed herewith. However, if any copies are needed, the Examiner is respectfully requested to contact the undersigned.

Applicant respectfully requests that the Examiner consider the above material and cite the same. Copies of documents (6)-(8) and the abstract of (9) are attached hereto and all of the documents are listed on the attached PTO-1449 Form. The Examiner is requested to initial the appropriate spaces on the attached Form and to return a copy of the completed Form to Applicant with the next official communication in the present application;

Applicant notes that an Office Action on the merits has not issued in the present application, and thus no fee is believed necessary to ensure consideration of the submitted material. However, if an Office Action on the merits has issued and is crossing this statement in the mail, the undersigned hereby authorizes the Commissioner to charge any fee necessary for the consideration of this statement, including any payment under 37 C.F.R. §1.17 (p) to Deposit Account No. 19-0089.

Applicant further calls to the Examiner's attention U.S. Patent Application Publication No. 2004/0227844 to SAKAMOTO, which was published on November 18, 2004. Applicant notes that while the publication is not prior art to the present application and the claims contained therein are not understandable to the Applicant of the present application, in compliance with 35 U.S.C. §135, Applicant calls this publication to the Examiner's attention in the event that the

P23700.A06

Examiner may determine that any claims therein contain subject matter that is substantially the same as any of the claims of the present application.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Hiroshi NOMURA

Bruce H. Bernstein
Reg. No. 29,027

January 14, 2005
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

FORM PTO-1449

U.S. Department of Commerce
Patent and Trademark OfficeAtty. Docket No.
P23700Application No.
10/646,860INFORMATION DISCLOSURE STATEMENT
BY APPLICANT

(Use several sheets if necessary)

Applicant
Hiroshi NOMURAFiling Date
August 25, 2003Group
2851

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4 7 9 1 4 4 1	12/13/88	NISHI et al.			
	4 4 5 1 1 2 9	05/29/84	IKARI et al.			
	3 3 7 7 4 2 7	04/09/68	FISCHER			
	5 7 1 5 4 8 2	02/03/98	WAKABAYASHI			
	4 5 9 7 6 5 7	07/01/86	WAKABAYASHI			

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
8 - 3 1 3 7 9 0	11/29/96	JAPAN			
6 - 2 3 0 2 6 3	08/19/94	JAPAN			
10 - 2 5 4 0 5 4	09/25/98	JAPAN			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

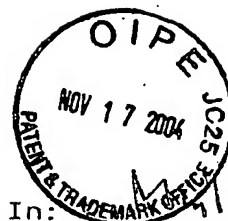
1	English Language Abstract of JP 8-313790.
2	English Language Abstract of JP6-230263.
3	English Language Abstract of JP 10-254054.
4	English Language Abstract of JP 2003-149723.

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

GREENBLUM & BERNSTEIN, P.L.C.
Intellectual Property Causes
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191



11/15/2004

File In: 11/15/04

The Patent Office Date stamp hereon is an acknowledgement that, on the date indicated, the Patent Office received the following:

- | | |
|--|--|
| <input type="checkbox"/> Amendment | <input type="checkbox"/> Claim of Priority & Certified Copy of _____ |
| <input type="checkbox"/> Executed Assignment and cover letter
<input type="checkbox"/> by facsimile | |
| <input type="checkbox"/> Executed S.E.S. <input type="checkbox"/> S.E.S. Assertion | <input type="checkbox"/> Declaration <input type="checkbox"/> Supplemental |
| <input type="checkbox"/> Req. for Ext. of Time | <input type="checkbox"/> New <input type="checkbox"/> Unexecuted |
| <input checked="" type="checkbox"/> Fee Filing <input checked="" type="checkbox"/> | <input type="checkbox"/> Executed by facsimile |
| Recording <input type="checkbox"/> | |
| Issue <input type="checkbox"/> | <input type="checkbox"/> Transmittal Letter |
| Extension <input type="checkbox"/> | <input type="checkbox"/> Patent Application |
| <input type="checkbox"/> Fee Transmittal | <input type="checkbox"/> Provisional <input type="checkbox"/> Reexam |
| <input type="checkbox"/> Maintenance Fee Payment | <input type="checkbox"/> Reissue <input type="checkbox"/> Design |
| <input type="checkbox"/> PTOL-85B Issue Fee | <input type="checkbox"/> Continuation <input type="checkbox"/> CIP |
| <input type="checkbox"/> Letter to Draftsman (in trip.) | _____ pages (w/abstract) |
| <input type="checkbox"/> Design Patent Application Transmittal | _____ claims _____ independent |
| <input type="checkbox"/> Utility Patent Application Transmittal | _____ sheets of drawings |
| <input type="checkbox"/> Provisional Application Cover Sheet | <input checked="" type="checkbox"/> I.D.S. form PTO-1449 & |
| <input type="checkbox"/> Continued Prosecution Application | References <input type="checkbox"/> as attached |
| (CPA) Request Transmittal | <input checked="" type="checkbox"/> as listed on reverse |
| <input checked="" type="checkbox"/> Request for Continued Examination (RCE)
including submission | <input type="checkbox"/> One self-addressed postcard |
| <input type="checkbox"/> Cover Letter | <input type="checkbox"/> Certification under 1.97(e) |
| <input checked="" type="checkbox"/> Check No. 52198 for \$ 790.00 | <input type="checkbox"/> Certificate of Mailing (C-O-M) |
| <input type="checkbox"/> Rule 53b and 53f Letter for
Unexecuted Application | <input type="checkbox"/> Returned Envelope |

In the matter of : OPTICAL ELEMENT RETRACTING MECHANISM FOR A
 PHOTOGRAPHING LENS

Applicant : Hiroshi NOMURA

Application No. : 10/646,860

Patent No. :

Filed : 8/25/03

Issued :

Docket : P23700

W/SB

COPY

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	10/646,860
Filing Date	August 25, 2003
First Named Inventor	Hiroshi NOMURA
Group Art Unit	2851
Examiner Name	Arthur A. SMITH
Attorney Docket Number	P23700

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

NOTE: 37 C.F.R. §1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. §1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000) which established RCE practice.

1. Submission required under 37 C.F.R. §1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on
(Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously Filed on
- iii. ☐ Other:
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Request for Extension of Time
- v. ☐ Other:

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. §1.17(i) required)
- b. ☐ Other: _____

3. Fees

The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.

- a. ☒ Check in the amount of **\$790.00** enclosed.
- b. ☒ If payment in the appropriate amount is not enclosed, the U.S. Patent and Trademark Office is hereby authorized to charge any fees required by this paper, including the RCE fee required under 37 C.F.R. §1.17(e), any extension of time fees (37 C.F.R. §§ 1.136 and 1.17) necessary to render the RCE timely, and any suspension fee or credit any overpayments, to Deposit Account No. 19-0089

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Bruce H. Bernstein	Registration No. (Attorney/Agent)	29,027
Signature		Date	

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as a first class mail in an envelope addressed to: Commissioner For Patents, Mail Stop RCE, PO Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	
Signature	Date

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